

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

| | | |
|--------------------------------|---|--------------------------|
| MIKE HENTRY ROLLINS |) | |
| Plaintiff(s) |) | |
| |) | |
| v. |) | Case No. 3:16-0849 |
| |) | Judge Crenshaw /Frensley |
| CORRECT CARE SOLUTIONS, et al. |) | |
| Defendant(s) |) | |

REPORT AND RECOMMENDATION

This is a pro se prisoner action raising civil rights violation claims under 42 U.S.C. § 1983. Plaintiff's Complaint was filed May 5, 2016 (Docket No. 1). The Honorable Waverly D. Crenshaw, Jr., entered on Order on May 16, 2016, directing the Clerk's Office to send a service packet for each named defendant in this action to the plaintiff (Docket No. 4). The completed service packets should have been returned within 30 days of the date of receipt of that order.

The order and service packet(s) were mailed to the plaintiff by regular and certified mail on the date the Order was filed. There is no indication in the file that Defendants have been served with the summons and complaint.¹

Rule 4(m) of the Federal Rules of Civil Procedure provides in pertinent part as follows:

Time Limits for Service. *If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.*

As of the date of the filing of this Report and Recommendation, Plaintiff has failed to comply with Judge Crenshaw's Order. Given the extended time that has passed since that Order, the undersigned recommends that this action be dismissed without prejudice.

¹ A review of the docket indicates the Plaintiff did not return the service packets, and summonses were never issued in this action.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to the Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of filing this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d. 435 (1985), *reh'g denied*, 474 U.S. 111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

A handwritten signature in black ink, appearing to read "Jeffery S. Frensley", written over a horizontal line.

JEFFERY S. FRENSLEY
United States Magistrate Judge